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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,680	02/26/2002	Joel R. Fely	JFE4-F72	1477

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EXAMINER
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CARIASO, ALAN B

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/085,680	FELTY, JOEL R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alan Cariaso	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8,10,11 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 5-7,12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Receipt of applicant's response filed 20 January 2004 is acknowledged. The response includes an amendment to claims 1, 8 and 14, which have been entered. Claims 2 and 9 are canceled. Claims 1, 3-8 and 10-18 are currently pending.

### ***Claim Objections***

2. Claims 1, 16 and 18 are objected to because of the following informalities:

3. Claim 1, line 8, "said ball dome" is inconsistent in terminology as originally stated and repeated in at least claim 1. It should end with the term --member--, to be consistent.

4. Claim 16, line 2 and claim 18, line 4, the terms "said dome portion" should be made consistent with the original terms used in preceding claim 14, namely "dome-shaped portion".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 15, lines 2 and 3, the limitations “a cylindrical portion”, “a dome portion” and “an annular face at another end” are indefinite as being the same as or different from “a generally hollow cylindrical shape”, “an annular face” and “a dome-shaped portion at its other end” now recited in preceding claim 14.

8. Claims 16-18 are indefinite for depending on indefinite claim 15.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by CLARKE (US 1,571,709).

11. CLARKE discloses a housing (14) defined by an inner chamber and an outer surface (14); a ball dome member (3) attached to said outer surface (14) *and defined by a generally hollow cylindrical shape (11) forming an annular face at one end (left most end of 11) and a dome-shaped portion (3) at its other end*; and at least one mounting bolt (threaded stem 13) penetrating said housing (14) from said inner chamber and threadedly engaging a threaded bore (12) formed in said *annular face*; wherein said ball

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dome member (3) is further defined by a cylindrical portion (11), said cylindrical portion (11) terminating in a dome portion (3) at one end and in an annular face at another end, said annular end defined by one threaded bore (12) formed therethrough; wherein said ball dome member (3) is further defined by a slot (right 12) formed in said dome portion (3).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1, 3, 4, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over CLARKE (US 1,571,709) in view of SIEMS (US 5,690,419).

14. CLARKE discloses a headlight housing assembly comprising: a housing (14) defined by an inner surface and an outer surface (14) and an inner chamber; a lamp (23) attached to the housing (14) and resident inside the inner chamber; a ball dome member (3) attached to the outer surface (14) such that the entire ball dome member (3) is external to the inner chamber, the ball dome member (3) is further defined by a cylindrical portion (11) terminating in a dome portion (3) at one end and in an annular face (left end of 11) at another end, *the annular face inherently forming a ring-shaped surface forming a centralized opening into the ball dome (3)*, the annular face defined by one threaded bore (12, col.1, lines 101-108) on the annular face (11) formed therethrough; the ball dome member (3) is further defined by a slot (right 12) formed in

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the dome portion (3); wherein the housing (14) further includes at least one bolt aperture (12 adjacent 15) formed therethrough, and wherein a mounting bolt (13) inserted through the bolt aperture (12) passing from the interior chamber (of 14) out through a bolt aperture (12,15) and into a corresponding threaded bore (12) formed in the ball dome member (3) whereby the mounting bolt (13) is in threaded engagement with one threaded bore (12) to attach the ball dome (3) to the outer surface of the housing (14); in regards to claim 8, *a ball dome (3) forming a internal cavity*, the ball dome (3) defined by *a ring-shaped annular face (left end of 11) forming a bore into said internal cavity, said ball dome attached to the outer surface of the housing (14) with said annular face* substantially in contact with the outer surface (14),.

15. However, CLARKE does not disclose: one or more threaded bores formed through the annular face, each said bore being adjacent to and separate from said centralized opening" (claim 1); each of said mounting bolt is in threaded engagement with one said threaded bore (separate from said centralized opening) (claim 4); a plurality of threaded bores opening on said annular face (of the ball dome) in *generally spaced relation yet not opening on said internal cavity (claim 8)*; and *a plurality mounting bolts, each said mounting bolt in threaded engagement with one said threaded bore (claim 11)*.

16. SIEMS teaches at least a plurality of threaded bores (bolt holes 30-figs.4 & 7) in the annular face (fig.4) of a joint-socket assembly (12,14) in generally spaced relation (fig.4) for the purpose of rigidly securing a reflector (32-fig.1) onto the joint-socket assembly by threaded bolt-type fasteners, where the reflector in essence defines a

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housing about the light source. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the headlight assembly of CLARKE to include a plurality of threaded fasteners engaged with threaded bore openings in spaced relation as taught by SIEMS in order to rigidly secure the attachment between the joint member and the reflector or housing-like structure, giving more stable attachment of parts using plural spaced fasteners as opposed to one fastener.

#### ***Allowable Subject Matter***

17. Claims 5-7, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. Claims 17 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

19. Applicant argues that as amended it seems clear that the Siems device is not even analogous to Applicant's claimed invention, since there is no indication that there are any similarities in the two devices beyond the fact that both relate to light housings. Since the Examiner has not provide support for his rejection (beyond citing USC103) Applicant is unable to attempt to address the Examiner's issues.

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20. In response to applicant's argument that the prior art to Siems is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, it is apparent that these are adjustable lighting assemblies that include a pivoting mechanism.

21. In response to applicant's statement that no support is provided for the rejection, that statement is not founded. The teachings of Siems have been adequately provided in the last Office Action. Furthermore, in this action, more details regarding the mounting bolt holes (30) have been indicated to clarify the teachings or disclosure of Siems.

22. Applicant's amendment of at least claims 1 and 8 have been addressed with rejection of these claims under 35 USC 103 over Clarke in view of Siems above, given that Siems teaches a centralized opening or bore separate to plural spaced thread bores. Amended of claim 14 remains anticipated by Clarke since Clarke meets the threaded formed in said annular face (claim 14) and further with said annular face defined by at least one threaded bore formed therethrough (claim 15). However, given the amendment of claim 14, it has affected the claims 15-18 in terms definiteness under 35 USC 112 2<sup>nd</sup> paragraph, regarding limitations that appear redundant between at least claims 14 and 15.



***Conclusion***

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Cariaso  
Primary Examiner  
Art Unit 2875

AC  
February 18, 2004